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may be higher there—that is all—which is not surprising when all the conditions are known. But the point that especially impresses us is that almost invariably war and war reactions are included as partly responsible for the record by most of the interpreters. They vary in their assignment of this cause's relative influence, but they all include it. London has the same story to tell. But why further itemize the damage bill to humanity's family life. Figs do not grow on thistle stalks or crows have doves for offspring.

SO MUCH depends upon a teacher and a model, even in national choices! Even Japan, in her present hour of financial prosperity and political opportunity in Asia, is finding that out, as she sees the plight of Prussia, after which she so closely modeled her army, and the status of Germany, after whose political philosophers she modeled her organic law and national policy. So, too, with Bulgaria, which welcomed American missionaries and educators, but had no use for American policies of state and went on consorting lewdly with Prussia. Wherefore her leaders now cry, with Stambuliski, president of the Council of Ministers:

"The blood-stained policy of the past has brought us nothing but the death of 400,000 Bulgarians, the waste of the fruits of the labors of forty years, the accumulation of millions of public debt, frontiers more narrow than those of forty years ago, terrible interior conditions, and an unexampled corruption—in short, a moral bankruptcy from which we shall not emerge without great effort.

"We wish to set a limit to that bloody past; we have broken with the policy of Ferdinand as we have broken with his reign. Instead of being the Prussians of the Balkans, we shall force ourselves to become the Swiss. We have the force and the energy necessary to make Bulgaria the Switzerland of the Balkans."

Which, by the way, is one of the finest compliments that Switzerland ever has had paid to her. But she also, alas, has her grave problems to face, as she becomes more cosmopolitan in population and the refuge of all the plotters, bankrupts, disreputables, and "internationalist" conspirators of smitten, crazed, and bankrupt Europe and western Asia.

IF YOU are pessimistic about the possibilities of international co-operation, carried on by methods of reason and moral sagacity, read the article by Professor John Bassett Moore on this page. The truth is that in a variety of ways the Americas (Canada unfortunately being omitted) are teaching the world supremely in this field of amity, whether the program be judged by standards of diplomacy, or finance, or co-operative commerce. And all so inexpensively, so modestly, and so efficiently that it makes no "copy" for the press.

THE WORK OF THE INTERNATIONAL HIGH COMMISSION*

By THE HON. JOHN BASSETT MOORE, VICE-PRESIDENT
OF THE CENTRAL EXECUTIVE COUNCIL OF THE
INTERNATIONAL HIGH COMMISSION

ON MARCH 12, 1915, while the World War, daily increasing in intensity, was drawing the world more and more into its vortex, the American governments were, in the name of the President of the United States, invited to send delegates to a conference with the Secretary of the Treasury, at Washington, with a view to establish "closer and more satisfactory financial relations between the American republics." To this end it was intimated that the conference would discuss not only problems of banking, but also problems of transportation and of commerce.

It thus came about that there assembled in Washington on Monday, May 24, 1915, under the chairmanship of the Hon. William G. McAdoo, Secretary of the Treasury, the first Pan-American Financial Conference.

The subjects submitted to the conference embraced public finance, the monetary situation, the existing banking system, the financing of public improvements and of private enterprises, the extension of inter-American markets, the merchant marine, and improved facilities of transportation. It was a program that went beyond the emergencies growing out of the war, and the conference in its deliberations did not confine itself to the adoption of temporary devices. On the contrary, it sought to meet a permanent need by establishing an organization which should devote itself to the carrying out of a task whose importance was not to be measured by temporary conditions, whether of war or of peace.

The formulation of the program of future work was entrusted to the General Committee on Uniformity of Laws relating to Trade and Commerce and the Adjustment of International Commercial Disputes.

The report of this committee, while reserving for separate and distinct treatment the difficult and complex problems of transportation, recommended that the following subjects should be specially pressed:

1. The establishment of a gold standard of value.
2. Bills of exchange, commercial paper, and bills of lading.
3. Uniform (a) Classification of merchandise, (b) customs regulations, (c) consular certificates and invoices, (d) port charges.
4. Uniform regulations for commercial travelers.
5. Measures for the protection of trade-marks, patents, and copyrights.
6. The establishment of a uniform low rate of postage and of charges for money-orders and parcels post between the American countries.
7. The extension of the process of arbitration for the adjustment of commercial disputes.

For the purpose of dealing with these subjects, and particularly for bringing about uniformity of laws con-

* Read at the Second Pan-American Financial Conference, Washington, January 21.

cerning them, the committee recommended the establishment of an International High Commission, to be composed of not more than nine members, resident in each country, to be appointed by its minister of finance. The aggregate members thus appointed were to constitute the International High Commission, of which the members resident in each country were to form the national section for that country.

The recommendations of the committee were unanimously adopted and the International High Commission came into being.

The conference further resolved that the local members of the International High Commission should be immediately appointed in their respective countries; that they should at once begin preparatory work; that the various governments should be requested through their appropriate departments to co-operate in the work of the Commission, and that the members of the United States section should, as soon as practicable, proceed to visit the other American countries to meet the members of the Commission there resident.

The establishment of the International High Commission was a measure of the greatest practical significance. In 1889 there met at Washington the first of the assemblies known as the International American Conferences, of which four have so far taken place and of which the fifth, but for the outbreak of the war in 1914, would long since have been held.

The good results accomplished by the International American Conferences could hardly be overestimated. Although they at first encountered criticism and even derision, it would be difficult, if not impossible, to find any one today who would either censure their spirit and purpose or deny their beneficent effects.

But the International American Conferences had one capital defect: They lacked a permanent organization to carry on their work. Hence, although they formulated many excellent and far-reaching plans and concluded numerous treaties and conventions, yet after they adjourned there was no one to follow up their resolutions and endeavor to secure their ratification and execution.

The want of such a permanent body was supplied by the creation of the International High Commission, the United States section of which received legislative sanction by the act of Congress of February 7, 1916.

In conformity with the resolutions of the first Pan-American Financial Conference, the United States section in due time proceeded to Buenos Aires, where, in April, 1916, the International High Commission held its first general meeting, under the presidency of the Hon. Francisco J. Oliver, Argentine Minister of Finance. All the national sections of the International High Commission were represented at this meeting, more than seventy of its members being in attendance. Nothing could more clearly attest the general interest felt in the work or the universal appreciation of its practical importance.

At Buenos Aires the Commission, besides dealing with the subjects designated by the first Pan-American Financial Conference for special treatment, also included in its deliberations the question of international agreements on uniform labor legislation; uniformity of regulations governing the classification and analysis of petro-

leum and other mineral fuels with reference to national development policies; the necessity of better transportation facilities between the American republics; banking facilities, the extension of credit, the financing of public and private enterprises, and the stabilization of international exchange; telegraphic facilities and rates and the use of wireless telegraphy for commercial purposes; and uniformity of laws for the protection of merchant creditors.

At Buenos Aires the International High Commission also took an important step in the further development of an effective organization. This was done by the creation of a common organ or agency, called the Central Executive Council, consisting of a president, a vice-president, a secretary-general, and an assistant secretary-general; and, as Washington was unanimously designated as the headquarters of the International High Commission till its next general meeting, the chairman, vice-chairman, and secretary of the United States section thus became the Central Executive Council, with the responsibility of supervising, co-ordinating, and carrying on the Commission's work.

The work has been steadily and energetically pressed. Valuable publications, intended to elucidate and support the measures which the Commission has in charge, have been prepared, printed and circulated, and appreciable progress has been made in securing the adoption of those measures. In these activities the Central Executive Council has had the intelligent, hearty, and efficient co-operation of the several national sections, which have in many instances made admirable studies of the subjects under consideration.

Substantial ameliorations of methods of customs administration have been secured in various quarters. Regulations permitting sanitary visits outside regular hours, the simultaneous loading and unloading of cargoes, and the advance preparation of cargoes have been brought about in numerous countries.

Progress has been made with the adoption of a uniform statistical classification of merchandise, as recommended by the International High Commission, at Buenos Aires. Six countries have already taken favorable action and two more are understood to be on the point of so doing.

Every effort has been made to advance uniform legislation in regard to bills of exchange, checks, bills of lading, and warehouse receipts, and appropriate documentary material has been prepared and circulated on those topics.

In dealing with the subject of bills of exchange, the International High Commission, taking into consideration the legal conceptions generally prevailing in the American countries other than the United States and the opinions of their leading jurists, decided to recommend to those countries the adoption of The Hague rules of 1912, with certain modifications. This decision has been justified by the results. Already The Hague rules have been substantially incorporated in the codes of Brazil, Guatemala, Nicaragua, and Venezuela, and bills to the same effect have been introduced in at least four other countries. We seem to be rapidly approaching the time when, so far as concerns bills of exchange, there will, in effect, be only two systems in use in the Western Hemisphere, based respectively on The Hague

rules of 1912 and the United States negotiable instruments act of 1916.

Bills have been introduced in the congresses of Uruguay and Venezuela to incorporate into their Commercial codes The Hague rules of 1912 in regard to checks.

In the congresses of Argentina and Nicaragua measures have been introduced similar to the United States bills of lading act.

The Commission has also been glad to observe a growing interest in the adoption of uniform legislation on the subject of warehouse receipts, as well as on that of conditional sales. The Peruvian Congress has lately enacted a law on the former subject, substantially based on the uniform warehouse receipts act in the United States, and a similar step has been under discussion in Argentina, Paraguay, and Uruguay. Increased interest in conditional sales legislation has notably been shown in Argentina, Brazil, and the United States.

During the war constant efforts were made by the International High Commission, largely through the Central Executive Council, acting in co-operation with the various national sections, to relieve the burdens and inconveniences arising out of the conflict, as regards transportation and other matters. Of those efforts no detail can now be given. It is necessary on the present occasion to limit the rehearsal of the Commission's activities chiefly to measures of a comprehensive and systematic nature, the development of which is still going on.

Among those measures one of the most important is that bringing into operation the conventions adopted by the International American Conference at Buenos Aires, in 1910, for the protection of patents and of trade-marks. By the latter convention the American republics were divided into two groups, the southern and the northern. Of the southern group, Rio de Janeiro was designated as the official center, and of the northern, Havana; and at each of these capitals there was to be established an international bureau for the registration of trade-marks, so as to secure their international protection in the Americas. This treaty, so closely related to the interests of the countries concerned and not least to those of the United States, had lain dormant and unratified. The International High Commission took it up and brought about its ratification by the requisite number of governments of the northern group, as a result of which the International Bureau of Havana is now open and in operation. It is hoped that a similar result may soon be attained in the southern group. Meanwhile, it would seem to be worth while to consider whether, pending the establishment of the Rio bureau, an arrangement might not be made whereby the members of the southern group which have ratified the convention may gain the benefits of international registration by accepting the services of the bureau at Havana.

Another measure that has been vigorously pressed is the convention to facilitate the operations of commercial travelers. In a number of the American countries local taxes, practically prohibitive in amount, on the operations of such travelers have for many years existed. The International High Commission, at its meeting at Buenos Aires, adopted a resolution containing the bases of uniform regulations for commercial travelers and their samples. Taking this resolution as a starting

point, the Central Executive Council drafted an international convention, which, after examination and revision, was submitted by the Department of State to the American governments, looking to the substitution for all local taxes of a single national fee. This convention, which was first signed and ratified by the United States and Uruguay, has since been signed and ratified by four countries and has been signed by three more. It is understood that five others are ready to sign, while yet others are still considering it, some of them apparently with favor.

Another measure preferentially dealt with, because of its significance for the future as well as for the present, is the treaty for the establishment of an international gold clearance fund. This treaty has a twofold object. It is designed not only to assure the safety of deposited gold and to avoid the necessity of its shipment when difficulties in transportation exist, but also to facilitate and stabilize exchange through the adoption of an international unit of account. The plan was very carefully studied by the International High Commission, at Buenos Aires; and subsequently, through the co-operation of the Central Executive Council with the Department of State, at Washington, it was incorporated in a draft of a treaty. This draft has so far been signed with the United States by Paraguay, Guatemala, Panama, and Haiti, but it has been approved in principle by at least six other republics, some of which are now actively considering its adoption. The treaty by its terms covers only the American nations; but it contains a principle the discussion of which has lately attracted wide attention and which may prove to be of incalculable value to the world in the future.

Nor should we overlook what has been accomplished in extending the practical acceptance of the principle of the arbitration of commercial disputes. In the program of the International High Commission this subject has occupied a prominent and permanent place. A substantial achievement was recorded when, on April 10, 1916, a plan, agreed upon by the chambers of commerce of the United States and Buenos Aires, was formally put into effect. The results have been most gratifying; and agreements have since been made between the United States Chamber of Commerce and the national chambers of commerce of Uruguay, Ecuador, Panama, and Guatemala. Similar agreements are in process of negotiation with the chambers of commerce of Honduras and Peru and between the chambers of Montevideo and Asuncion. Much yet remains to be done to give legal certainty, stability, and efficiency to the system. Especially is this the case in the United States, where the archaic rule permitting the disregard of arbitral clauses still prevails. This rule should be superseded by legislation, similar to that which exists in most other countries, making commercial arbitration, under the supervision of the courts, an integral part of legal procedure. On this question I feel that I can add nothing to the argument so comprehensively and cogently presented in the recent volume on "Commercial Arbitration and the Law," by Mr. Julius Henry Cohen, of the New York bar.

The Central Executive Council has had in its work the active and hearty co-operation of various bodies, such as the American Bankers' Association, the Committee on Commercial Law of the Conference of Com-

missioners on Uniform State Laws, the United States Chamber of Commerce, and the National Foreign Trade Council. It is gratifying to bear testimony to the aid and support thus rendered.

At the present hour, when we are accustomed to think in billions, unfortunately, I may say, of accumulated and accumulating debt rather than of accumulated and accumulating treasury, I trust that I shall not seem to sound a discordant note if I advert to the strict economy practiced by the International High Commission in its expenditures. So far as concerns the Treasury of the United States, the entire cost of the Commission, since it began its work in 1915, including the visit of the United States section to Buenos Aires in 1916, represents an annual average hardly equal to the cost of two large public dinners; and when I speak of expenditures I include not only salaries, but furniture and equipment, stationery and printing, the use of the telegraph and the telephone, and expert assistance in law and in languages. The smallness of the expenditures, which is out of all proportion to the work actually done, is to be ascribed not only to the voluntary services rendered by individuals and by public bodies, but also and in the main to the devotion of the permanent working force and the exceedingly moderate compensation of those who receive any.

Looking to the future, it may be affirmed that work such as that in which the International High Commission is engaged is of incalculable importance. The American republics cover a vast area, with an aggregate population of almost 200,000,000. They represent all varieties of soil, of climate, and of resources. Not in any sordid sense, but in the sense of contribution to the comfort and convenience of all men, through sharing the benefits of what the earth produces, it may be said that the future lies with the Western Hemisphere, and that its development has just begun.

"WAR AND PEACE," BY WILLIAM JAY*

By JAMES BROWN SCOTT

STARTING from the premise that we are free agents, that war is an evil, William Jay maintains that the extinction of other evils shows that war itself may be eliminated by the gradual growth of a public opinion against it and by the creation of agencies which nations can create and use just as individuals have created and used them.

On the first point he says by way of introduction:

"Civilization and Christianity are diffusing their influence throughout the globe, mitigating the sufferings and multiplying the enjoyments of the human family. Free in-

stitutions are taking the place of feudal oppressions; education is pouring its light upon minds hitherto enveloped in all the darkness of ignorance; the whole system of slavery, both personal and political, is undermined by public opinion, and must soon be prostrated; and the signs of the times assure us that the enormous mass of crime and wretchedness, which is the fruit of intemperance, will at no very remote period disappear from the earth."¹

On the second point he says, also by way of introduction:

"Individuals possess the same natural right of self-defense as nations, but the organization of civil society renders its exercise, except in very extreme cases, unnecessary and therefore criminal. A citizen is injured in his person or property—were he to attempt to redress his wrong, a forcible contest would ensue, and as the result would be uncertain, the injury he had already sustained would be greatly aggravated. Instead therefore of resorting to force he appeals to the laws. His complaint is heard by an impartial tribunal, his wrongs are redressed, he is secured from further injury, and the peace of society is preserved."²

He admits, as he and as we, too, must, that a court of nations is lacking, although expressing the opinion that one may be established, saying: "No tribunal, it is true, exists for the decision of national controversies; but it does not, therefore, follow that none can be established."³

These introductory statements have been quoted, as they show Mr. Jay to be as sound a prophet as he was an historian, and the following passage is calculated to inspire confidence in his judgment as a man of affairs, who looks the facts in the face and who proposes to reach the millennium by degrees. Thus he says:

"We have often seen extensive national alliances for the prosecution of war, and no sufficient reason can be assigned why such alliances might not also be formed for the preservation of peace. It is obvious that war might instantly be banished from Europe, would its nations regard themselves as members of one great society, and, by mutual consent, erect a court for the trial and decision of their respective differences."⁴

Such a transformation, in a moment, in the twinkling of an eye, as it were, he admits to be impossible,

"since time would be necessary to enlighten and direct public opinion, and produce general acquiescence in the plan, as well as to arrange the various stipulations and guarantees that would be requisite. It is not surprising that those who suppose such a tribunal can only be established by a simultaneous movement among the nations who are to continue warring with each other till the signal is given for universal peace, should be startled at the boldness and absurdity of the project. Of such a project *we* are wholly guiltless. We have no hope or expectation, in the present state of the world, of a general and simultaneous negotiation throughout Christendom in behalf of a tribunal for the decision of national differences and the suppression of war. Such a movement can only be expected *after* an extensive,

* This quotation is from an "introductory note" to a reprint of the original edition of William Jay's classic on "War and Peace," issued in 1842, which reprint has just been printed and published by the Oxford University Press, under the supervision of the Carnegie Endowment for International Peace. It follows after a compact, clear statement by Dr. Scott of the record of John Jay's negotiations with Great Britain as a special commissioner sent by President Washington to London in 1794. Then the comment shifts to the argument of William Jay, illustrious son of an illustrious father, and President of the American Peace Society, 1847-1858.

¹ *War and Peace*, pp. 76-77; *post*, pp. 51-52.

² *War and Peace*, p. 77; *post*, p. 52.

³ *War and Peace*, p. 78; *post*, p. 52.

⁴ *War and Peace*, p. 78; *post*, pp. 52-53.